

Calendar No. 73

103D CONGRESS
1ST SESSION

H. R. 1723

AN ACT

To authorize the establishment of a program under which employees of the Central Intelligence Agency may be offered separation pay to separate from service voluntarily to avoid or minimize the need for involuntary separations due to downsizing, reorganization, transfer of function, or other similar action, and for other purposes.

MAY 25 (legislative day, APRIL 19), 1993

Received; read twice and placed on the calendar

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AN ACT

To authorize the establishment of a program under which employees of the Central Intelligence Agency may be offered separation pay to separate from service voluntarily to avoid or minimize the need for involuntary separations due to downsizing, reorganization, transfer of function, or other similar action, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Central Intelligence
5 Agency Voluntary Separation Pay Act”.

6 **SEC. 2. SEPARATION PAY.**

7 (a) **DEFINITIONS.**—For purposes of this section—

1 (1) the term “Director” means the Director of
2 Central Intelligence; and

3 (2) the term “employee” means an employee of
4 the Central Intelligence Agency, serving under an
5 appointment without time limitation, who has been
6 currently employed for a continuous period of at
7 least 12 months, except that such term does not in-
8 clude—

9 (A) a reemployed annuitant under sub-
10 chapter III of chapter 83 or chapter 84 of title
11 5, United States Code, or another retirement
12 system for employees of the Government; or

13 (B) an employee having a disability on the
14 basis of which such employee is or would be eli-
15 gible for disability retirement under any of the
16 retirement systems referred to in subparagraph
17 (A).

18 (b) ESTABLISHMENT OF PROGRAM.—In order to
19 avoid or minimize the need for involuntary separations due
20 to downsizing, reorganization, transfer of function, or
21 other similar action, the Director may establish a program
22 under which employees may be offered separation pay to
23 separate from service voluntarily (whether by retirement
24 or resignation). An employee who receives separation pay
25 under such program may not be reemployed by the Central

1 Intelligence Agency for the 12-month period beginning on
2 the effective date of the employee's separation.

3 (c) BAR ON CERTAIN EMPLOYMENT.—

4 (1) BAR.—An employee may not be separated
5 from service under this section unless the employee
6 agrees that the employee will not—

7 (A) act as agent or attorney for, or other-
8 wise represent, any other person (except the
9 United States) in any formal or informal ap-
10 pearance before, or, with the intent to influence,
11 make any oral or written communication on be-
12 half of any other person (except the United
13 States) to the Central Intelligence Agency; or

14 (B) participate in any manner in the
15 award, modification, extension, or performance
16 of any contract for property or services with the
17 Central Intelligence Agency,

18 during the 12-month period beginning on the effec-
19 tive date of the employee's separation from service.

20 (2) PENALTY.—An employee who violates an
21 agreement under this subsection shall be liable to
22 the United States in the amount of the separation
23 pay paid to the employee pursuant to this section
24 times the proportion of the 12-month period during

1 which the employee was in violation of the agree-
2 ment.

3 (d) LIMITATIONS.—Under this program, separation
4 pay may be offered only—

5 (1) with the prior approval of the Director; and

6 (2) to employees within such occupational
7 groups or geographic locations, or subject to such
8 other similar limitations or conditions, as the Direc-
9 tor may require.

10 (e) AMOUNT AND TREATMENT FOR OTHER PUR-
11 POSES.—Such separation pay—

12 (1) shall be paid in a lump sum;

13 (2) shall be equal to the lesser of—

14 (A) an amount equal to the amount the
15 employee would be entitled to receive under sec-
16 tion 5595(c) of title 5, United States Code, if
17 the employee were entitled to payment under
18 such section; or

19 (B) \$25,000;

20 (3) shall not be a basis for payment, and shall
21 not be included in the computation, of any other
22 type of Government benefit; and

23 (4) shall not be taken into account for the pur-
24 pose of determining the amount of any severance
25 pay to which an individual may be entitled under

1 section 5595 of title 5, United States Code, based on
2 any other separation.

3 (f) TERMINATION.—No amount shall be payable
4 under this section based on any separation occurring after
5 September 30, 1997.

6 (g) REGULATIONS.—The Director shall prescribe
7 such regulations as may be necessary to carry out this
8 section.

9 (h) REPORTING REQUIREMENTS.—

10 (1) OFFERING NOTIFICATION.—The Director
11 may not make an offering of voluntary separation
12 pay pursuant to this section until 30 days after sub-
13 mitting to the Permanent Select Committee on Intel-
14 ligence of the House of Representatives and the Se-
15 lect Committee on Intelligence of the Senate a re-
16 port describing the occupational groups or geo-
17 graphic locations, or other similar limitations or con-
18 ditions, required by the Director under subsection
19 (d).

20 (2) ANNUAL REPORT.—At the end of each of
21 the fiscal years 1993 through 1997, the Director
22 shall submit to the President and the Permanent Se-
23 lect Committee on Intelligence of the House of Rep-
24 resentatives and the Select Committee on Intel-

3 SEC. 3. EARLY RETIREMENT FOR CIARDS AND FERS SPE-
4 CIAL PARTICIPANTS.

5 Section 233 of the Central Intelligence Agency Re-
6 tirement Act (50 U.S.C. 2053) is amended—

7 (1) by inserting “(a)” before “A participant”;
8 and

9 (2) by adding at the end the following new sub-
10 section:

11 “(b) A participant who has at least 25 years of serv-
12 ice, ten years of which are with the Agency, may retire,
13 with the consent of the Director, at any age and receive
14 benefits in accordance with the provisions of section 221
15 if the Office of Personnel Management has authorized sep-
16 aration from service voluntarily for Agency employees
17 under section 8336(d)(2) of title 5, United States Code,
18 with respect to the Civil Service Retirement System or sec-
19 tion 8414(b)(1)(B) of such title with respect to the Fed-
20 eral Employees’ Retirement System.”.

Passed the House of Representatives May 24, 1993.

Attest: DONNALD K. ANDERSON,
Clerk.